UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,540	02/19/2002	David Randall Yee	19111.0063	1670

23517 7590 09/22/2005

SWIDLER BERLIN LLP
3000 K STREET, NW
BOX IP
WASHINGTON, DC 20007

EXAMINER	
CHANNAVAJJALA, SRIRAMA T	
ART UNIT	**PAPER NUMBER**
2166	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,540	YEE ET AL.	
	Examiner	Art Unit	
	Srirama Channavajjala	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to RCE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 August 2005 has been entered and a non-final Office action, as stated below

2. Claims 1-42 pending in this application.

3. Claims 1,11,17,22,28,33 have been amended.

4. Examiner acknowledges applicant's amendment filed on 1/13/2005.

5. Claims 1,17,33 have been amended [1/13/2005].

Drawings

6. The drawings filed on 2/19/2002 are acceptable for examination purpose

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slutz US Patent No. 6581052 in view of Brown et al.[hereafter Brown], US Pub. No. 2003/0088546.

8. As to Claim 1, 17, 33, Slutz teaches a system which including 'receiving a query for data from a database application' [col 2, line 51-59];

'issuing the received query to a database management system' [col 2, line 65-67], Slutz specifically teaches generating SQL statements that corresponds to issuing the received query to DBMS;

'receiving a response to the query from the database management system, the response indicating a result dataset' [col 3, line 1-10], Slutz specifically teaches in

response to the query, pair of table set is selected from each table set that corresponds to response indicating a result dataset;

'automatically creating or updating a database table that is suitable for analysis, the database table comprising information, information that is generated in order to perform the analysis' [col 5, line 7-13], Slutz specifically teaches performing various functions other than querying the data in the table for example sql statements can create, modify, insert data tables and may compile performance statistics that corresponds to automatically creating or updating the database table and analysis;

'the database table arranged so that subsequent execution of the same query will cause the database table to be updated with the addition of a current retrieved result dataset [col 5, line 31-41] so that multiple executions of the same database query cause database table to contain multiple retrieved result datasets upon which analysis is to be performed' [col 5, line 45-53];

'populating or updating the database table with data from the result dataset' [col 6, line 18-25]. It is however, noted that Slutz does not specifically teach "trend analysis", although Slutz suggested performing various function that including generating statistics [col 5, line 12-13]. On the other hand, Brown et al. disclosed 'trend analysis' [see fig 4-5,7-9,11, page 5, col 1, 0060], Brown specifically suggests graphical user interface, where menu option allows to select report format, and various graphical representation of data that corresponds to trend analysis.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al. into test generator for database management systems of Shutz because both Shutz, Brown are directed to test system [see Shutz: fig 3; Brown: fig 1, element 10], both Shutz and Brown specifically teaches database management system [see shutz: Abstract; Brown: Abstract], further, both Shutz and Brown specifically teaches various functions that including querying, updating database tables [see Shutz: col 5, line 7-12; Brown: page 3, col 1, 0035], and both are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al. into test generator for database management system of Shutz because that would have allowed users of Shutz to implement not only compile performance statistics of data sets from various tables, but also have the ability to represent "trend" in a bar-graphs or charts [see Brown: fig 4-5,7-9,11], thus improving the performance of the database system as suggested by Brown et al. [page 1, col 1, 0004].

9. As to Claim 2, 7,18, 34, 39, most of the limitations of this claim have been noted in the rejection of Claim 1 above. In addition, with respect to the claimed feature Shutz disclosed 'analyzing a format of the result dataset' [col 7, line 38-40]; 'creating the database table based on the format of the result dataset or updating an existing database table based on the format of the result dataset' [col 9, line 9-14].

10. As to claim 3,8,19, 35,40 most of the limitations of this claim have been noted in the rejection of Claim 1 above. In addition, with respect to the claimed feature Shutz disclosed 'updating the database table with data from the result dataset' col 9, line 9-14], On the other hand Brown disclosed 'timestamp information' [page 5, col 2, 0066].

11. As to Claim 4,9,20,36,41, most of the limitations of this claim have been noted in the rejection of Claim 3,35 above. In addition, with respect to the claimed feature Brown disclosed 'for each row of data in the result data table, populating or updating a row in the database table with the row of data and with timestamp information' [page 5, col 2, 0062, 0066].

12. As to Claim 5,10,21,37,42, most of the limitations of this claim have been noted in the rejection of Claim 2,34 above. In addition, with respect to the claimed feature Shutz disclosed 'determining whether the result data table includes all rows of data in the result dataset' col 12, line 1-7]

'retrieving all rows in the result dataset, if the result data table does not include all rows in the result dataset' col 12, line 9-19];

On the other hand, Brown teaches 'for each row of data in the result data set, populating or updating a row in the database table with the row of data and with timestamp information' [page 5, col 2, 0062, 0066].

13. As to Claim 6, 38, most of the limitations of this claim have been noted in the rejection of Claim 1 above. In addition, with respect to the claimed feature Brown disclosed 'determining whether the result dataset is to be captured for trend analysis' [page 5, col 1, 0058, fig 4]; 'wherein the creating or updating step comprises the step of creating or updating a database table that is suitable for trend analysis, if the result dataset is to be captured for trend analysis' [page 5, col 1, 0060].

14. As to claims 11, 22, Slutz teaches a system which including 'a database connectivity layer component operable to provide an interface between a database application and a database' [col 4, line 21-30], Slutz specifically teaches client/server database management system for example as detailed in fig 2, also it is noted that Slutz teaches standard ANSI-SQL is part of standard database access supported by **O**pen Data Base **C**onnectivity, further open database connectivity allows to access data from any application from DBMS as detailed in fig 2, element 130;

'a cover layer between the database connectivity layer component and the database application operable to capture and implement invocations by the database application of functions included in database connectivity layer component '
[col 4, line 35-46];

'creating or updating a database table that is suitable for analysis, the database table comprising information, information that is generated in order to perform the analysis' [col 5, line 7-13], Slutz specifically teaches performing various functions other than querying the data in the table for example sql statements can create, modify, insert

data tables and may compile performance statistics that corresponds to automatically creating or updating the database table and analysis

'the database table arranged so that subsequent execution of the same query will cause the database table to be updated with the addition of a current retrieved result dataset [col 5, line 31-41] so that multiple executions of the same database query cause database table to contain multiple retrieved result datasets upon which analysis is to be performed' [col 5, line 45-53];

'but pass through to the database connectivity layer component invocations by the database application of functions that do not involve analysis' [col 4, line 49-58].

It is however, noted that Slutz does not specifically teach "trend analysis", although Slutz suggested performing various function that including generating statistics [col 5, line 12-13]. On the other hand, Brown et al. disclosed 'trend analysis' [see fig 4-5,7-9,11, page 5, col 1, 0060], Brown specifically suggests graphical user interface, where menu option allows to select report format, and various graphical representation of data that corresponds to trend analysis.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al. into test generator for database management systems of Shutz because both Shutz, Brown are directed to test system [see Shutz: fig 3; Brown: fig 1, element 10], both Shutz and Brown specifically teaches database management system [see shutz: Abstract; Brown: Abstract], further, both Shutz and Brown specifically teaches various functions that

including querying, updating database tables [see Shutz: col 5, line 7-12; Brown: [page 3, col 1, 0035], and both are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al. into test generator for database management system of Shutz because that would have allowed users of Shutz to implement not only compile performance statistics of data sets from various tables, but also have the ability to represent "trend" in a bar-graphs or charts [see Brown: fig 4-5,7-9,11], thus improving the performance of the database system as suggested by Brown et al. [page 1, col 1, 0004].

15. As to claim 12, 23, Shultz disclosed 'receiving a query for data from a database application' [col 2, line 51-59];

'issuing the received query to a database management system' [col 2, line 65-67], Slutz specifically teaches generating SQL statements that corresponds to issuing the received query to DBMS;

'receiving a response to the query from the database management system, the response indicating a result dataset' [col 3, line 1-10], Slutz specifically teaches in response to the query, pair of table set is selected from each table set that corresponds to response indicating a result dataset;

'populating or updating the database table with data from the result dataset' [col 6, line 18-25]

On the other hand, Brown disclosed 'determining whether the result dataset is to be captured for trend analysis and if the result dataset is to be captured for trend analysis' [page 5, col 1, 0058, fig 4];

'creating or updating a database table that is suitable for trend analysis' [page 5, col 1, 0060].

16. As to Claim 13,24, most of the limitations of this claim have been noted in the rejection of Claim 12,23 above. In addition, with respect to the claimed feature Shutz disclosed 'analyzing a format of the result dataset' [col 7, line 38-40]; 'creating the database table based on the format of the result dataset or updating an existing database table based on the format of the result dataset' [col 9, line 9-14].

17. As to claim 14, 25 most of the limitations of this claim have been noted in the rejection of Claim 13,24 above. In addition, with respect to the claimed feature Shutz disclosed 'updating the database table with data from the result dataset' col 9, line 9-14], On the other hand Brown disclosed 'timestamp information' [page 5, col 2, 0066].

18. As to Claim 15,26, most of the limitations of this claim have been noted in the rejection of Claim 13,24 above. In addition, with respect to the claimed feature Brown disclosed 'for each row of data in the result data table, populating or updating a row in the database table with the row of data and with timestamp information' [page 5, col 2, 0062, 0066].

19. As to Claim 16,27, most of the limitations of this claim have been noted in the rejection of Claim 13,24 above. In addition, with respect to the claimed feature Shutz disclosed 'determining whether the result data table includes all rows of data in the result dataset' col 12, line 1-7]

'retrieving all rows in the result dataset, if the result data table does not include all rows in the result dataset' col 12, line 9-19];

On the other hand, Brown teaches 'for each row of data in the result data set, populating or updating a row in the database table with the row of data and with timestamp information' [page 5, col 2, 0062, 0066],

20. As to Claim 28,Slutz teaches a system which including 'a database operable to store and retrieve data' [col 4, line 35-40], Sultz specifically teaches DBMS server application for example Microsoft SQL server is capable of store and retrieve data;

'a database application operable to utilize the database' [col 4, line 35-44];

'receiving a query for data from a database application' [col 4, line 53-58],

'issuing the received query to a database management system' [col 4, line 59-65]; Sultz specifically teaches executing query language statements upon multiple systems that corresponds to issuing the receivied query to database management system;

'receiving a response to the query from the database management system, the response indicating a result dataset' [col 5, line 31-41],

'automatically creating or updating a database table that is suitable for analysis' [col 7, line 57-65], Sultz specifically teaches updating database table for example specifying the different statement types, such as UPDATE, INSERT, DELETE and like as detailed in col 7, line 62-63;

'the database table arranged so that subsequent execution of the same query will cause the database table to be updated with the addition of a current retrieved result dataset [col 5, line 31-41] so that multiple executions of the same database query cause database table to contain multiple retrieved result datasets upon which analysis is to be performed' [col 5, line 45-53];

'populating or updating the database table with data from the result dataset' [col 7, line 61-67, col 8, line 1-6],

It is however, noted that Bosworth does not specifically teach 'a trendable database connectivity layer', "database table comprising information upon which trend analysis is to be performed and information that is generated in order to perform the trend analysis', although Su;tz specifically teaches updating database, and querying

database [see Sultzcol 7, line 38-46, fig 4]. On the other hand, Brown disclosed 'trendable database connectivity layer' [page 1, col 2, 0019], 'database table comprising information upon which trend analysis is to be performed and information that is generated in order to perform the trend analysis' [page 4, col 2, 0050-0051, page 5, col 1, 0059-0060].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al. into test generator for database management systems of Shutz because both Shutz, Brown are directed to test system [see Shutz: fig 3; Brown: fig 1, element 10], both Shutz and Brown specifically teaches database management system [see Shutz: Abstract; Brown: Abstract], further, both Shutz and Brown specifically teaches various functions that including querying, updating database tables [see Shutz: col 5, line 7-12; Brown: page 3, col 1, 0035], and both are from same field of endeavor.

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Brown et al. into test generator for database management system of Shutz because that would have allowed users of Shutz to implement not only compile performance statistics of data sets from various tables, but also have the ability to represent "trend" in a bar-graphs or charts [see Brown: fig 4-5,7-9,11], thus improving the performance of the database system as suggested by Brown et al. [page 1, col 1, 0004].

21. As to Claim 29, most of the limitations of this claim have been noted in the rejection of Claim 28 above. In addition, with respect to the claimed feature Shutz disclosed 'analyzing a format of the result dataset' [col 7, line 38-40]; 'creating the database table based on the format of the result dataset or updating an existing database table based on the format of the result dataset' [col 9, line 9-14].

22. As to claim 30 most of the limitations of this claim have been noted in the rejection of Claim 28 above. In addition, with respect to the claimed feature Shutz disclosed 'updating the database table with data from the result dataset' [col 9, line 9-14], On the other hand Brown disclosed 'timestamp information' [page 5, col 2, 0066].

23. As to Claim 31, most of the limitations of this claim have been noted in the rejection of Claim 29 above. In addition, with respect to the claimed feature Brown disclosed 'for each row of data in the result data table, populating or updating a row in the database table with the row of data and with timestamp information' [page 5, col 2, 0062, 0066].

24. As to Claim 32, most of the limitations of this claim have been noted in the rejection of Claim 29 above. In addition, with respect to the claimed feature Shutz disclosed 'determining whether the result data table includes all rows of data in the result dataset' col 12, line 1-7]

'retrieving all rows in the result dataset, if the result data table does not include all rows in the result dataset' col 12, line 9-19];

On the other hand, Brown teaches 'for each row of data in the result data set, populating or updating a row in the database table with the row of data and with timestamp information' [page 5, col 2, 0062, 0066],

Response to Arguments

25. Applicant's arguments [at page 17-19] with respect to claim 1-42 filed on 8/11/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record

a. US Patent No. 6581052

b. US Patent No 2003/0088546

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-272-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc
Patent Examiner.
September 16, 2005.

SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER